

Notice of Proposed Rulemaking)
Appropriate Regulatory Treatment for)
Broadband Access to the Internet Over)
Cable Facilities)

CORRECTED COMMENTS OF THE CITY OF PELHAM, ALABAMA

1. Our community and the status of cable modem service.

2. Our franchise.

Our franchise was issued in 1996 and requires the cable operator to provide cable service throughout the community. Our franchise did not directly address cable modem service. However, under our franchise, the

definition of gross revenues is broad enough to include cable modem service as a cable service. Pursuant to the franchise agreement, we are entitled to receive 5% franchise fees on the total gross receipts from the provision of cable services. Neither the franchise requirements or the fees have prevented or delayed the roll-out of cable modem service in our community.

3. Our community and broadband deployment.

Our community believes it is very important to encourage broadband deployment, and to encourage development of broadband applications. We also believe that in order to achieve the promise of broadband, broadband has to be available to the entire community, as far as possible.

Respectfully submitted,

Bobby Hayes, Mayor
City of Pelham, Alabama
3162 Pelham Parkway
Pelham, AL 35124

Bobby Hayes, Mayor, City of Pelham,

June 24, 2002